

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:) Case No.: 04-29682 CMB
)
Cernuto Incorporated,) Chapter 7
)
Debtor.) Document No.: ____

TRUSTEE'S SECOND REPORT OF UNCLAIMED FUNDS

The Chapter 7 Trustee, Charles O. Zebley, Jr., Esquire ("Trustee"), files the following Second Report of Unclaimed Funds pursuant to 11 U.S.C. §347(a) and Bankruptcy Rule 3011 as follows:

1. After the Court approved the Trustee's proposed distribution of the estate, Trustee distributed the entire balance of estate funds pursuant to the same. The checks set forth below came back.
2. Claim 2 - Sparmon Fischler: Check No. 10106 made payable to Sparmon Fischler for \$420.90 representing payment of its claim (No. 2) was neither returned nor cashed. The check is now stale, and Trustee stopped payment on it.
3. Claim 28 - Pittsburgh Publishing Company: Check No. 10130 made payable to Pittsburgh Publishing Company for \$25.78 representing payment of its claim (No. 28) was neither returned nor cashed. The check is now stale, and Trustee stopped payment on it.
4. Claim 41 - Blue Linx Corp./fka Georgia Pacific Corp.: Check No. 10141 made payable to Blue Linx Corp./fka Georgia Pacific Corp. for \$7,935.71 representing payment of its claim (No. 41) was neither returned nor cashed. The check is now stale, and Trustee stopped payment on it.
5. Trustee tenders to the clerk his check for \$8,382.39 representing the sum of the above unclaimed funds. A copy of the check is attached hereto as Exhibit "A."

The Funds

ZEBLEY MEHALOV & WHITE, P.C.

Dated: February 14, 2012

BY/s/ Charles O. Zebley, Jr.
Charles O. Zebley, Jr., Trustee
PA I.D. No. 28980
Zebley Mehalov & White, P.C.
P.O. Box 2124
Uniontown, PA 15401
(724) 439-9200

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re: **CERNUTO, INCORPORATED**
Debtor

Case # **04-29682**
Chapter 7

AFFIDAVIT AND IDENTIFICATION OF CREDITOR

I, **Dale Baird**, acting in my capacity as **Corporate Credit Manager of BlueLinx Corporation ("Creditor")**, do hereby declare as follows:

- 1) Creditor filed the claim in this case, and is entitled to the Unclaimed Funds in this matter. I have provided herewith evidence of my personal identification, authority, and claim/debtor linkage.
- 2) Creditor does not know why the funds were not received originally, but presumably due to a mailing error and/or our address change, which was not duly noticed to the Trustee or Court. Our correct contact information is:

BlueLinx Corporation
ATTN: Dale Baird / Corporate Credit Manager
4300 Wildwood Parkway
Atlanta, GA 30339

- 3) Creditor has not previously sold or assigned the unclaimed account, nor the underlying claim that generated same. Creditor is still the owner of the funds, is entitled to payment, and has not engaged any party to make any filing for these funds, other than that which is made herewith.

I hereby certify that the foregoing statements are true and correct to the best of my knowledge and belief. Respectfully submitted this 26th day of April, 2012.

BlueLinx Corporation
Name of Creditor


Signature: **Dale Baird**

Creditors FEIN # 77-0627351

Correct, Current Phone # 770-953-4983

Sworn to and Subscribed before me on this

26 day of April, 2012

NOTARY PUBLIC

State of Georgia
City/County of Cobb



INCUMBENCY CERTIFICATE

The undersigned, Sara E. Epstein, Secretary of BlueLinx Corporation, a Georgia corporation (the "Company"), hereby certifies on behalf of the Company as follows:

1. That I am the duly elected, qualified and acting Secretary of the Company.
2. That the following person is, on or as of the date hereof, a duly elected or qualified and acting officer of the Company as listed below and that the signature set forth opposite his name is such person's genuine signature:

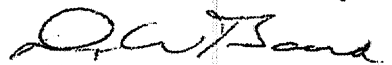
Name

Title

Signature

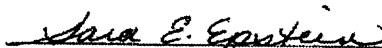
Dale W. Baird

Corporate Credit Manager



Authority of Corporate Rep

IN WITNESS WHEREOF, the undersigned has executed this Certificate as of the 25th day of April, 2012.


Sara E. Epstein
Secretary

ID of Corporate Rep

Georgia
DRIVER'S LICENSE
EXPIRES 10-29-2015


NUMBER 1

BAIRD, DALE WESLEY
2518 MILL RIDGE CIR
LAWRENCEVILLE, GA 30044-6211

| | | | |
|--------|---------------|------------|--------------|
| SEX | DATE OF BIRTH | EXAM DATE | COUNTY |
| M | 10-29-1951 | 10-21-2005 | 967 |
| HEIGHT | WEIGHT | CSC | FEE |
| 6-01 | 165 | 1100 | 30.00 |
| CLASS | ENDORSEMENTS | TYPE | RESTRICTIONS |
| C | | REG | 8 |

Dale W Baird

COMMISSIONER
Henry L. Dyer



FORM B10 (Official Form 10) (04/05)

| | | |
|---|---|--|
| UNITED STATES BANKRUPTCY COURT <u>Western</u> DISTRICT OF <u>Pennsylvania</u> | | PROOF OF CLAIM |
| Name of Debtor <u>Cernuto Incorporated</u> d/b/a <u>C & C Lumber Building Supplies</u> | | Case Number <u>04-29682</u> Chapter <u>7</u> |
| NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503. | | |
| Name of Creditor (The person or other entity to whom the debtor owes money or property): <u>BlueLinx Corporation f/k/a Georgia-Pacific Corporation Distribution</u> | | <div style="text-align: right; font-size: 2em; font-weight: bold;">FILED</div> <div style="text-align: right; font-size: 1.2em;">06 MAY 15 AM 12</div> |
| Name and address where notices should be sent: <u>BlueLinx Corporation</u> Attn: <u>Alva Birks</u> <u>4100 Wildwood Parkway, 2nd Floor</u> <u>Atlanta, Georgia 30339</u> (770) 953-7531 Telephone number: | | |
| Account or other number by which creditor identifies debtor: <u>400 763 200030</u> | | Check here <input type="checkbox"/> replaces a previously filed claim, dated <u>08/06/04</u> if this claim <input checked="" type="checkbox"/> amends |
| 1. Basis for Claim <input checked="" type="checkbox"/> Goods sold <input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input type="checkbox"/> Services performed | | |
| From Creditor's files, submitted as evidence of case linkage (date) _____ (date) _____ | | |
| 2. Date debt was incurred: <u>01/29/03</u> | | 3. If court judgment, date obtained: |
| 4. Total Amount of Claim at Time Case Filed: <u>\$188,085.71</u> (unsecured) <u>\$188,085.71</u> (secured) (priority) (Total) If all or part of your claim is secured or entitled to priority, also complete Item 5 or 7 below. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges. | | |
| 5. Secured Claim. <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____ Value of Collateral: \$ _____ Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ _____ | | 7. Unsecured Priority Claim. <input type="checkbox"/> Check this box if you have an unsecured priority claim. Amount entitled to priority \$ _____ Specify the priority of the claim: <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,000)* earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Up to \$2,225* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6). <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(____). <small>*Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment. \$10,000 and 180-day limits apply to cases filed on or after 4/20/05, Pub. L. 109-8.</small> |
| 6. Unsecured Nonpriority Claims <u>\$188,085.71</u> <input type="checkbox"/> Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or only part of your claim is entitled to priority. | | THIS SPACE IS FOR COURT USE ONLY |
| 8. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. | | |
| 9. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary. | | |
| 10. Date-Stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim. | | |
| Date <u>May 5, 2006</u> | Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any): <u>Alva Birks, Collections - BlueLinx Corporation</u> | |

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

FORM 8-K

CURRENT REPORT

Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934

Date of Report (Date of earliest event reported): September 30, 2011

BLUELINX HOLDINGS INC.

Current info, including address, of
Creditor

(Exact name of registrant as specified in its charter)

Delaware

(State or other Jurisdiction of Incorporation)

001-32383

(Commission File Number)

77-0627356

(IRS Employer Identification No.)

4300 Wildwood Parkway, Atlanta, Georgia

(Address of Principal Executive Offices)

30339

(Zip Code)

Registrant's telephone number, including area code: (770) 953-7000

Not applicable

(Former name or former address if changed since last report.)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

- ☐ Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
- ☐ Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
- ☐ Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
- ☐ Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

Item 2.03 Creation of a Direct Financial Obligation or an Obligation under an Off-Balance Sheet Arrangement of a Registrant.

On September 30, 2011, BlueLinx Corporation ("BlueLinx"), a wholly owned subsidiary of BlueLinx Holdings Inc. (the "Company") and Wells REIT II - Wildwood Properties ("Landlord") entered into a Seventh Amendment to Lease Agreement (the "Seventh Amendment") modifying the lease agreement (the "Original Lease Agreement" and, as subsequently amended, the "Lease Agreement") for BlueLinx' corporate headquarters located at 4100 and 4300 Wildwood Parkway, Atlanta, Georgia.

Under the terms of the Seventh Amendment, BlueLinx will be released from its obligations under the Lease Agreement for the premises located at 4100 Wildwood Parkway, Atlanta, Georgia (the "4100 Building"). The provisions of the Lease Agreement at 4300 Wildwood Parkway, Atlanta, Georgia, remain in effect. BlueLinx is obligated to surrender the premises by January 31, 2012.

(above) evidence of both former and present address

Under the Seventh Amendment, BlueLinx is obligated to pay to Landlord, on or before January 31, 2012, a space remittance fee in the amount of \$5,000,000 in consideration of Landlord's agreement to release BlueLinx from all obligations related to the 4100 Building. In addition to the space remittance fee, BlueLinx is obligated to pay to Landlord the sum of \$1,200,000 on or before December 31, 2013; provided, however, that in the event Landlord enters into one or more leases for all or any portion of the 4100 Building prior to December 31, 2013, Landlord may invoice BlueLinx for fifty percent of the \$1,200,000, to be paid within 30 days of such invoice, with the balance to be paid not later than December 31, 2013. In addition, the Seventh Amendment provides that upon payment by BlueLinx of the space remittance fee and delivery to Landlord of an irrevocable, unconditional letter of credit in favor of Landlord in the amount of \$900,000, Landlord shall immediately return to BlueLinx the letter of credit previously delivered to Landlord in the amount of \$1,500,000.

The Lease Agreement contains customary events of default. These events of default include, among others, BlueLinx' failure to pay rent when due and BlueLinx' breach of its other obligations under the Lease Agreement if the breach remains uncured for 30 calendar days after written notice from the Landlord. If BlueLinx defaults under the Lease Agreement, the Landlord is entitled, among other things, to immediately terminate the Lease Agreement and to accelerate all rent due under the Lease Agreement for the remainder of the lease term, discounted to present value. Such discount shall be calculated by using a discount factor of eight percent for the remaining rent over the then fair market value of the premises for the remainder of the term of the Lease Agreement, discounted to present value by using a discount factor of eight percent. The current term of the Lease Agreement ends on January 31, 2019.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the Registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

BLUELINX HOLDINGS INC.

By: /s/ H. Douglas Goforth

H. Douglas Goforth

Chief Financial Officer & Treasurer

Dated: October 6, 2011

IRREVOCABLE LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENT, that I, **Dale Baird, acting in my capacity as Corporate Credit Manager for BlueLinx Corporation** (hereinafter "Claimant") hereby appoint **John J. Marshall of JM PARTNERS LLC** (hereinafter "Agent") as my lawful attorney-in-fact to seek recovery of the undistributed, unclaimed, undelivered, or otherwise dormant tenders of funds held for Claimant in the *United States Bankruptcy Court for the Western District of Pennsylvania*, Case # *04-29682 / Cernuto, Incorporated*.

I further grant the attorney authority to do whatever is necessary and proper to recover the above referenced funds as fully as it might or could do if acting on its own behalf as owner of the funds, and hereby confirms all that the attorney shall lawfully do or cause to be done. Nevertheless, the attorney shall have no authority to incur any financial obligation or to make any expenditure on behalf of Claimant. All funds collected on behalf the Claimant shall be collected solely in the name of the Claimant, and any fee due to Agent shall only be due upon receipt of funds from the Court. Any checks collected may be negotiated thru escrow, but solely for the purpose of remitting the net payable to Claimant, and no withdrawals, offsets, or deductions – other than agreed to in writing by the Claimant – may be made for such funds.

In construing this instrument where the context so requires, the singular includes the plural. This Power of Attorney shall apply ***EXCLUSIVELY*** to funds owed to Claimant and on an official Unclaimed Funds Registry or Ledger as of the date of executing of this Power, and shall remain in-force only for so long as such funds remain uncollected.

Signed this 26th day of April, 2012.

FOR/BY: **BlueLinx Corporation**

Dale Baird
Signature – Dale Baird

NOTARY SEAL

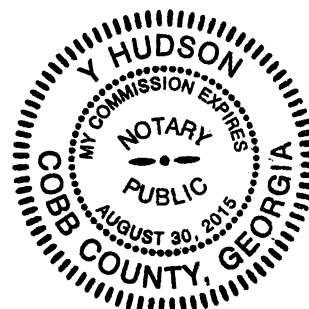
State of Georgia County of Cobb Date 4/26/12

The above named ***Dale Baird*** known to be the individual described in, and holding the position designated in the foregoing instrument, appeared before me and acknowledged the execution thereof to be his/her free act and deed.

Y Hudson
Notary's Name (Print)

Y Hudson
Signature

My Commission Expires on: 8/30/2015



**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re: **CERNUTO, INCORPORATED**
Debtor

Case # **04-29682**
Chapter 7

IDENTIFICATION OF ATTORNEY-IN-FACT

I, John J. Marshall, acting in my capacity as Managing Member of JM Partners LLC, itself the Attorney in Fact for BlueLinx Corp (hereinafter "Creditor") state and declare as follows:

- 1) The Creditor is the owner of that certain Claim as is indicated on the register of claims, along with those certain Unclaimed Funds generated from, by and for the benefit of such Claim. Evidence of same is included herewith. My photo ID information is as follows:



Phone: 804-740-2972

Fax: 804-740-2973

JM Partners LLC

Consulting - Investments

John J. Marshall
Managing Member

jmp.consulting@verizon.net

12201 Gayton Road, Suite 220
Richmond, VA 23238-8203

- 2) I have made all efforts required to know to the best of my knowledge that there is no other firm or individual who would be entitled to the benefit of the aforementioned Claim or Unclaimed Funds, and I have not engaged any other party to assist with the recovery of same. Once you approve the Application – or if you have any questions about this filing, or the account in general – please direct the payment as follows:

JM Partners LLC
ATTN: John J. Marshall
12201 Gayton Road Suite 220
Richmond, VA 23238-8203

804-740-2972
804-740-2973 FAX
jmarshall@jmpartnersllc.com

I hereby certify that the foregoing statements are true and correct to the best of my knowledge and belief.


John J. Marshall Managing Member
For: JM Partners LLC

Unclaimed Funds Recovery

HOLDER: USBC PA Western District
CASE # 04-29682 Cernuto Incorporated
CLAIMANT: JM Partners LLC, Attorney-in-Fact
for BlueLinX Corp

Brief History Statement & Recap of Supporting Evidence:

BlueLinX Corp was the Creditor in this matter. Creditor changed mailing addresses subsequent to filing the claim. Unfortunately, Creditor neglected to inform the Court or Trustee of this, and that apparently lead to the unclaimed funds in this case.

JM Partners LLC ("Claimant") – who acts both as a Funds Recovery Agent and a Bankruptcy Claim Purchaser / Investor – located the Creditor, disclosed the full details of the account, and sought an engagement to either recover the funds as Agent, or simply to purchase an Assignment of the account. The Creditor elected the former option, and has engaged Claimant for such work as is necessary to secure the release of the funds. Thus, JM Partners LLC makes this application as the Attorney-in-Fact for the Creditor.

Listing of the Unclaimed Funds

Affidavit of Creditor

ID & Authority of Creditor's Rep

Evidence Linking to Case/Debtor

LPOA, engaging JM Partners LLC

Affidavit of JM Partners LLC

Prepared & Submitted by:

JM Partners LLC
PO Box 29940
Richmond, VA 23242-0940
Phone 804-740-2972
jmarshall@jmpartnersllc.com

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